

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Griffith Hack
GPO Box 3125
BRISBANE QLD 4001

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 17 MAR 2004

Applicant's or agent's file reference
FP19020-CLC

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/000042

International filing date (day/month/year)
13 January 2004

Priority date (day/month/year)
24 January 2003

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ A63F 13/00, G07F 17/34

Applicant

UNITAB LIMITED et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer

SUE THOMAS
Telephone No. (02) 6283 2454

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Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions of independent claims as follows:

1. Claim 1 relates to awarding a prize in a gaming system including a plurality of game consoles comprising the steps of providing a trigger value derived from a random variable having a non-uniform distribution, periodically receiving count data from each game console, being data representing at least one parameter of a game console, calculating a total value representing the total count data received, comparing the total value with the trigger value, transmitting a prize instruction signal to an output means if the total value has a predetermined relationship with the trigger value, whereby the prize instruction signal results in at least one game console issuing a prize. It is considered that the random variable having a non-uniform distribution comprises a first "special technical feature".
 2. Claim 87 relates to a gaming system comprising at least one game console, a trigger value generator for generating a trigger value, a prize triggering means, and a controller which is adapted to periodically receive count data from one game console, being data representing at least one parameter of each game console, store count data for each game console in a different memory location, calculate a total value representing the total count data received by a receiver for each game console and compare the total value for each game console with the trigger value and operate the prize triggering means to transmit a prize instruction signal to the gaming console which has a total value having a predetermined relationship with the trigger value. It is considered that storing count data for each game console in a different memory location so as to compare the total value for each game console with the trigger value comprises a second "special technical feature".
4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts
 - ☐ the parts relating to claims Nos.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box IV

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together these groups of claims is awarding a prize in a gaming system of at least one console by generating a trigger value, receiving count data from each game console, being data representing at least one parameter of a game console, calculating a total value representing the total count data received, comparing the total value with the trigger value, and outputting a prize signal to at least one game console if the total value has a predetermined relationship with the trigger value. However this concept is not novel in the light of AU 200234395 A1 (DAUMA PTY LTD), AU 13023/92 (655801) A (FRANKOVIC) and AU 53370/86 (589158) B (FRANKOVIC et al). Therefore these claims lack unity a posteriori. It is also noted no "special technical feature" appears to exist between independent claims 27, 41, or 79 when compared with the prior art as discussed in Box V.

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-26, 29, 34-36, 42, 43, 45-47, 54-60, 72-76, 80-83, 87-95	YES
	Claims	27, 28, 30-33, 37, 39-41, 44, 48-53, 61-71, 77-79, 84-86, 96-101	NO
Inventive step (IS)	Claims	1-26, 34-36, 42, 45-47, 54-60, 72, 73, 75, 76, 83, 87-95	YES
	Claims	27-33, 37, 39-41, 43, 44, 48-53, 61-71, 74, 77-82, 84-86, 96-101	NO
Industrial applicability (IA)	Claims	1-37, 39-101	YES
	Claims		NO
2. Citations and explanations:			
D1. AU 200234395			
D2. AU 13023/92			
D3. AU 53370/86			
<u>NOVELTY (N) Claims 27, 28, 30-33, 37, 39-41, 44, 48-53, 61-71, 77-79, 84-86, 96-101</u>			
Claims 27, 32, 41, 79			
Each of the above citations explicitly disclose the features of the above claim. For example, in D1 see:			
•	generating a trigger value	page 3, line 31	
•	receiving count data	page 4, line 3	
•	calculating a total value	page 4, line 4	
•	comparing total value with trigger value	page 4, lines 4-6	
•	outputting a prize instruction signal	page 4, lines 4-6	
Therefore the subject matter of these claims is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty.			
Claims 28, 30, 31, 33, 37, 39, 40, 44, 48-53, 61-71, 77, 78, 84-86, 96-101			
The features added by the appended claims are also identifiable in the citations.			

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

INVENTIVE STEP (IS) Claims 27-33, 37-41, 43, 44, 48-53, 61-71, 74, 77-82, 84-86, 96-101

Claims 27, 28, 30-33, 37, 39-41, 44, 48-53, 61-71, 77-79, 84-86, 96-101

As previously discussed.

Claims 29, 80-82

The feature of calculating an offset value and adding this to a random variable to produce a trigger value appears to be no more than a workshop improvement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Therefore the subject matter of these claims is obvious and does not meet the requirements of Article 33(3) PCT with regard to inventive step.

Claim 43

The feature of transmitting a prize instruction signal independent of count data received during an elapsed period appears to be no more than a workshop improvement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Therefore the subject matter of these claims is obvious and does not meet the requirements of Article 33(3) PCT with regard to inventive step.

Claim 74

The feature of resetting the trigger value more frequently than once per output of the prize instruction signal appears to be no more than a workshop improvement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Therefore the subject matter of these claims is obvious and does not meet the requirements of Article 33(3) PCT with regard to inventive step.

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PCT/AU2004/000042**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The claims do not comply with Rule 6.1(b) because they are not numbered consecutively in Arabic numerals (ie claim 38 is not present within the claims).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 32 and 87 are not clear because I cannot find an antecedent to "the receiver" within the claim.

Claims 91 and 94 are not clear because it is not apparent whether "the trigger value" and "the random value" is intended to be the same as, or different from, each other. Therefore, the scope of the monopoly is not clearly defined. It is noted that in patent claims, different words are taken to be defining different things, however the context suggests that a single thing may be being referred to.